



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/662,705

09/15/2000

ERNEST YIU CHEONG WAN

169.1826

1732

5514

7590

09/27/2007

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

MAIL DATE

DELIVERY MODE

09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/662,705

Applicant(s)

WAN, ERNEST YIU CHEONG

Examiner

Jeffrey R. Swearingen

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-26, 28-31, 33-35, 37-40, 42-44, 46-49 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-26, 28-31, 33-35, 37-40, 42-44, 46-49 and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 24-26, 28-35, 37-44, and 46-53 have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 32, 41, and 50 are drawn to a non-elected group, per Applicant's election of 6/26/2006. The Office met its burden of a *prima facie* case for election of establishing a serious burden on the examiner by appropriate explanation of separate classification, separate status in the art, and a different field of search. In order to properly rebut the *prima facie* showing, Applicant needed to submit appropriate showings or evidence. Applicant failed to do so in the initial traversal, and the restriction became final. Claims 32, 41, and 50 remain withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 24-26, 28-31, 33-35, 37-40, 42-44, 46-49, and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenner et al. (US 5,956,716).

6. In regard to claims 24, 33, 42, Kenner disclosed:

determining a network address for locating the AV content; column 9, lines 15-30

Art Unit: 2145

generating a fragment identifier for at least one fragment of said AV content, using the logical model; and column 9, lines 15-30

combining the network address and the fragment identifier to form a URI reference, being an address for locating the AV fragment. Column 9, lines 15-30

7. In regard to claims 25, 34, and 43, Kenner disclosed:

providing an address scheme for addressing said at least one fragment in terms of the at least one of time blocks and spatial regions. Column 9, lines 19-26

8. In regard to claims 26, 35, and 44, Kenner disclosed:

the addressing scheme for addressing said at least one fragment includes at least one of a time axis, a time function, a region axis, and a region function. Column 9, lines 19-26

9. In regard to claims 28, 37, and 46, Kenner disclosed:

the AV content is a single file in a file system supporting Audio/Video content. Column 8, lines 44-50

10. In regard to claims 29, 38, and 47, Kenner disclosed:

the AV content is one from the group consisting of a Digital Versatile Disk (DVD), Compact Disk Read Only Memory (CD ROM), Audio Compact Disk (CD), Video Tape and Audio Tape. Column 9, lines 1-3, column 9, lines 10-14

11. In regard to claims 30, 39, and 48, Kenner disclosed:

said addressing scheme is Xpath based. Column 14, lines 1-25; column n15, lines 24-56

12. In regard to claims 31, 40, and 49, Kenner disclosed:

the addressing scheme provides a syntax for addressing one or more AV fragments in the fragment identifier. Column 9, lines 19-30

13. In regard to claim 51, Kenner disclosed:

determining a network address for locating the audio content; column 9, lines 15-30; audio content is part of audio-video content

generating a fragment identifier for at least one fragment corresponding to at least one of said levels of detail of said audio content, using the logical model; and column 9, lines 15-30

Art Unit: 2145

combining the network address and the fragment identifier to form a URI reference, being an address for locating the audio fragment. Column 9, lines 15-30

14. In regard to claim 52, Kenner disclosed:

determining a network address for locating the image content; column 9, lines 15-30; an image is part of audio-video content

generating a fragment identifier for at least one fragment corresponding to at least one of said levels of detail of said image content, using the logical model; and column 9, lines 15-30

combining the network address and the fragment identifier to form a URI reference, being an address for locating the image fragment. Column 9, lines 15-30

15. In regard to claim 53, Kenner disclosed:

determining a network address for locating the video content; column 9, lines 15-30

generating a fragment identifier for at least one fragment corresponding to at least one of said levels of detail of said video content, using the logical model; and column 9, lines 15-30

combining the network address and the fragment identifier to form a URI reference, being an address for locating the video fragment. Column 9, lines 15-30

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rangan et al. US 6,154,771

Kenner et al. US 6,269,394 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone
Supervisory Patent Examiner
Art Unit 2145

JRS